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BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

DEBORAH ROSS, Ph.D.
19845 Skyline Boulevard
Los Gatos, CA 95030

License No. PSY 8336

Respondent

Case No. W140

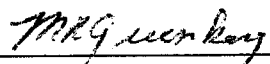
OAH No. N 1999070420

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted
by the Board of Psychology as its Decision in the above-entitled matter.

This Decision shall become effective on October 11, 2000.

IT IS SO ORDERED September 11, 2000.



FOR THE BOARD OF PSYCHOLOGY
MARTIN R. GREENBERG, Ph.D., PRESIDENT

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DEPARTMENT OF CONSUMER AFFAIRS
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OAH No. N 1999070420

PROPOSED DECISION

This matter was heard by Ruth S. Astle, Administrative Law Judge of the Office of Administrative Hearing, State of California on December 6, 7, 8, 9, 1999, February 14, 15, 17, 18, and March 22 and 23, 2000 in Oakland, California.

Brenda P. Reyes, Deputy Attorney General, represented the complainant.

Respondent was present and represented by William F. Adams, Attorney at Law, One Annabel Lane, Suite 205, San Ramon, California 94583-4330.

This matter was consolidated for hearing with Board of Behavioral Science Case No. DP-1997-557, OAH No. N 1999070421.

Submission of the matter was deferred to July 1, 2000 for receipt of argument, which was received and considered.

FACTUAL FINDINGS

1. Thomas S. O'Connor made the accusation in his official capacity as the Executive Officer of the Board of Psychology (Board), and not otherwise.

2. On January 16, 1984, Deborah Ruth Ross (respondent) was issued License No. PSY 8336 by the Board, authorizing her to practice psychology in the State of

California. The license is currently in good standing and is renewed to February 28, 2001. The Board has taken no prior disciplinary action against this license.

3. At all times relevant to the matters set forth in this decision, respondent was practicing in Los Gatos, California.

4. Respondent began treating patient J.B. in October of 1994. J.B. was already in therapy with a licensed clinical social worker (primary therapist). J.B. was diagnosed by her primary therapist with major depression. J. B. developed multiple personalities during her therapy with her primary therapist but was not suffering from multiple personality disorder because all of her personalities (over 14) knew about one another. Her fragmented personality was exacerbated by her primary therapist. J.B. was also suffering from chronic pain. J.B. initially consulted respondent for assistance in managing this chronic pain. Respondent successfully treated J.B.'s chronic pain with self-hypnosis and referral to a medical doctor. Respondent continued to treat J.B. until August 11, 1996.

5. Respondent diagnosed J.B. with borderline personality disorder. Some time in 1995 respondent began treating J.B. for her social problems. As part of her therapy respondent determined that J.B. had a problem with her self-esteem and used therapy techniques that identified J.B. strengths and used them to help J.B. function better. One of J.B.'s strengths was her sense of fashion. Respondent used this in therapy to build up J.B.'s self-esteem. Respondent did discuss wardrobe and hair styling advice during therapy sessions, but there was sufficient therapeutic justification for this. J.B. shopped for makeup for respondent on her own initiative and brought it to a therapy session. Respondent properly paid for the items. While there is more than one way this could have been handled, under the circumstances there was sufficient therapeutic justification for respondent's handling of this matter by accepting the makeup.

6. Respondent also used story-telling techniques in her therapy. She did this with respondent. One of the stories was about an abusive relationship she had in the past. Another was about a law student. There was sufficient therapeutic justification for the story telling. Doing so does not constitute a departure from the standard of practice.

7. On two occasions in 1995 J.B. stayed at respondent's institute when respondent was away. Respondent believed it would be good for J.B. to stay at the institute. Respondent gave J.B. the choice of whether or not she wanted to take care of the animals or have that done by the full-time caretaker. This was to allow J.B. to be alone if she wanted to be. There was sufficient therapeutic justification for encouraging J.B. to stay at the institute.

8. Respondent interacted with J.B. in a number of ways that were inappropriate to the nature of their therapist/patient relationship. These were as follows:

- A. Respondent allowed J. B. to pick her up at the airport after an extended international trip and had her drive respondent home. Respondent's reason was that she was bringing letters for J.B. from colleagues in Europe and J.B. could not wait to get them. This was not necessary for the furtherance of a therapeutic relationship. Getting involved in respondent's life at this level was clearly confusing to J.B. The letters could certainly have waited until the next scheduled therapy session.
- B. In February of 1996, respondent and J.B. went shopping at a mall together. The trip lasted all day. Respondent was not attentive to J.B.'s needs. The shopping trip was not for J.B.'s benefit. Respondent asked J.B. not to tell her primary therapist about her poor behavior on this trip. Respondent claims that she was having a bad reaction to Prozac. This is not a defense to her inappropriate behavior. In aggravation, respondent was self-administering the Prozac. She was not under a doctor's care. She used an old prescription without getting a current diagnosis from a qualified professional.
- C. On March 1, 1996, J.B. arranged for respondent to have her makeup done at Stacy's Beauty Salon in Cupertino at the same time that J.B. was having her hair done at the same salon. There was not sufficient therapeutic justification for respondent to go to J.B.'s salon.

9. It was established by expert testimony that respondent's conduct as set forth in Finding 8 constitutes inappropriate multiple role relationships with J.B. in that they did not have sufficient therapeutic justification and constitute an extreme departure from the standard of practice for a licensed psychologist. J.B. was not sure where the patient-therapist relationship ended and a friendship outside of the patient-therapist relationship began. Respondent was not clear about the boundaries with J.B. Respondent's attempts to justify this as "*in vivo*" therapy were not adequate to explain the nature of these activities.

10. It was established by expert testimony that Respondent's conduct as set forth in Findings 15, 16, and 17 constitutes the commission of a dishonest act substantially related to the qualifications, functions and duties of a licensee.

11. In February of 1996, respondent decided to attend a dance with J.B. as a "graduation" ceremony in preparation for terminating therapy. Respondent did not tell J.B. that going to the dance was part of the therapy. On March 1, 1996, respondent and J.B. attended the dance together. Respondent did not participate in the dance, but spent the time out of J.B.'s direct contact. This allowed respondent to "witness" J.B.'s social gains. After the dance J.B. stayed at respondent's institute because of inclement weather. In the morning they took a walk on the property together. Going to the dance was confusing to J.B. Allowing J.B. to stay at the institute because of inclement weather was not a departure from the standard of practice, but going to the dance and taking a

walk with J.B. in the morning did not have sufficient therapeutic justification. There was an additional shopping trip before the one to the mall. There was a conflict in the testimony. Respondent testified that J.B. had gone shopping for respondent on her own a day or so before. J.B. had picked out clothes for respondent and placed them on hold for her to try on at the department store. J.B. showed up at the store while respondent was trying on the items. J.B. testified that they planned to meet at the store; respondent denied this. They both agreed that respondent purchased at least one of the items J.B. had picked out. In either case, respondent should not have gotten involved in shopping with J.B. There was not a sufficient therapeutic justification for this behavior. These acts were simple departures from the standard of practice and constitute repeated acts of negligence.

12. It was not established that respondent had an inappropriate telephone conversation with the man J.B. was dating. It was not established that respondent told J.B. to make up a lie about who she was when they were at the dance together on March 1, 1996. It was not established that respondent asked J.B. to buy marijuana.

13. It was not established that respondent inappropriately discussed another client named "C." It was not established that "C" was ever respondent's client. There was an incident connected to the story-telling involving "C" that involved borrowing J.B.'s jewelry for "C" to wear. Respondent did this to have J.B. experience altruistic giving. This explanation is consistent with respondent's therapeutic plan for J.B. While it may be unorthodox, it does not appear to be motivated by personal gain and is, therefore, not a departure from the standard of practice.

14. In August of 1996 J.B.'s primary therapist was planning a vacation. He suggested that J.B. increase her appointments with respondent. J.B. revealed to her primary therapist that she had concerns about her relationship with respondent. On August 27, 1996, J.B.'s primary therapist confronted respondent about certain incidents that he thought were inappropriate. Respondent admitted that she had gone shopping with J.B. and that respondent believed she had been suffering from a reaction to Prozac.

15. On January 7, 1997, J.B.'s primary therapist arranged a meeting between J.B. and respondent to discuss the issues raised by respondent's behavior. Respondent was asked to bring her own therapist to the meeting. Instead of telling them that she did not have a therapist and declining to bring one or requesting to bring a friend instead, respondent brought a friend to this meeting and identified her as an unlicensed therapist. The friend that respondent brought to the meeting was not then, nor never was respondent's therapist. This was clearly done as a deception calculated to appease J.B. and her primary therapist. At this meeting, J. B. read a nine-page letter detailing the conduct that had concerned J.B. and her primary therapist. It resulted in confidential communications being delivered to an individual who was not entitled to those communications. Respondent wants to place the responsibility on J.B.'s primary therapist to have protected J.B. from disclosing confidential communications to a

layperson. However, it was respondent's deception that set up the conditions for this breach of responsibility to occur. Respondent has a continuing duty to deal in an honest manner with patients even after the actual therapy has ended.

16. In a letter to J.B.'s primary therapist dated March 14, 1997, in which respondent discussed the January 7, 1997, meeting, she repeatedly referred to the person who attended the January 7, 1997, meeting as her "therapist." In this letter respondent, for the first time, indicates that virtually all the allegations by J.B. are misrepresentations or fabrications.

17. In a letter dated March 28, 1998, respondent stated that her first session with J. B. occurred on May 15, 1995. This was an unintentional mistake and not done for the purpose of deceiving the Board. Respondent also acknowledged some outside contacts with J.B. While they were not a complete list, it does not appear that respondent was attempting to deceive the Board.

18. Respondent tried to justify all of her actions as therapeutic. She also attempted to put the blame on J.B.'s primary therapist. While he does bear some responsibility in this matter, that does not excuse respondent. It is clear that respondent overstepped the boundaries of a therapist-patient relationship.

19. The patient J.B. was not the most credible witness. She has a long history of psychotic behavior. Her psychosis involves a distorted view of reality. Respondent's primary therapist did not take this history into account. His credibility was acceptable about matters that he directly experienced, but his credibility was compromised when he acted upon information from J.B. since he took everything she said as absolutely true.

20. Respondent is an internationally acknowledged expert in self-hypnosis and treating chronic pain. She found it difficult to acknowledge her inappropriate conduct in this matter; however, her actions were not motivated by personal gain or inappropriate personal motives. Respondent made full restitution to J.B. It would not be against the public interest to allow respondent to continue to practice clinical psychology upon probationary terms and conditions.

21. Both respondent and J.B.'s primary therapist likely misdiagnosed J.B. Her mental condition is more serious than either of them believed. However, the claim by respondent and her expert that this exonerates respondent because respondent could not make J.B.'s condition any worse by her actions is not tenable. Not only did respondent's actions confuse J.B., but respondent's behavior was the catalyst for serious problems that J.B. experienced after her therapy terminated with respondent.

22. Costs are awarded in the amount of \$14,675.00.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 8 and 9, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(j) in that respondent engaged in inappropriate multiple role relationship with J.B. which constituted gross negligence.
2. By reason of the matters set forth in Findings 15 and 16, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(h) in that respondent's conduct constituted disclosure of information received in professional confidence.
3. By reason of the matters set forth in Finding 11, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(r) in that respondent's conduct constituted repeated acts of negligence.
4. By reason of the matters set forth in Findings 10, 14, 15, and 16, cause for disciplinary action exists pursuant to Business and Professions Code section 2960(n) in that respondent misrepresented material facts which constitutes dishonesty.
5. By reason of the matters set forth in Findings 5, 6, 7, 12, 13 and 17, cause does not exist pursuant to Business and Professions Code section 2960 for disciplinary action in that respondent's actions had sufficient therapeutic justification and were not negligent or dishonest or the matters were not established by clear and convincing competent evidence.
6. The matters set forth in Findings 18, 19, 20 and 21 have been considered in making the following order.
7. Costs in the amount of \$14, 675 were established and are allowed pursuant to Business and Professions Code section 125.3.

ORDER

The license and licensing rights of Deborah R. Ross, Ph.D., Psychology License No. PSY 8336 are hereby revoked pursuant to Legal Conclusions 1, 2, 3 and 4. However, the revocation is stayed for a period of five (5) years upon the following terms and conditions:

1. **Obey All Laws**

Respondent shall obey all federal, state, and local laws and all regulations governing the practice of psychology in California including the ethical guidelines of the American Psychological Association. A full and detailed

account of any and all violations of law shall be reported by the respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence.

2. **Coursework**

Respondent shall take and successfully complete not less than six (6) hours of coursework each year of probation in the areas of boundaries and ethics. Coursework must be preapproved by the Board or its designee. All coursework shall be taken at the graduate level at an accredited educational institution or by an approved continuing education provider. Classroom attendance is specifically required; correspondence or home study coursework shall not count toward meeting this requirement. The coursework must be in addition to any continuing education courses that may be required for license renewal.

Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval a plan for meeting the educational requirements. All costs of the coursework shall be paid by the respondent.

3. **Ethics Course**

Within 90 days of the effective date of this Decision, respondent shall submit to the Board or its designee for prior approval a course in laws and ethics as they relate to the practice of psychology. Said course must be successfully completed at an accredited educational institution or through a provider approved by the Board's accreditation agency for continuing education credit. Said course must be taken and completed within one year from the effective date of this Decision. The cost associated with the law and ethics course shall be paid by the respondent.

4. **Psychological Evaluation**

Within 90 days of the effective date of this Decision and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall undergo a psychological evaluation (and psychological testing, if deemed necessary) by a Board-appointed California-licensed psychologist. Respondent shall sign a release which authorizes the evaluator to furnish the Board a current DSM IV diagnosis and a written report regarding the respondent's judgment and/or ability to function independently as a psychologist with safety to the public, and whatever other information the Board deems relevant to the case. The completed evaluation is the sole property of the Board.

If the Board concludes from the results of the evaluation that respondent's ability to practice psychology safely is impaired due to mental illness, respondent shall immediately cease accepting new patients and, in accordance with professional standards, shall appropriately refer/terminate existing patients within 30 days and shall not resume practice until a Board-appointed evaluator determines that respondent is safe to practice. During this suspension period, probation will be tolled and will not apply to the reduction of this probationary period.

If ongoing psychotherapy is recommended in the psychological evaluation, the Board will notify respondent in writing to submit to such therapy and to select a psychotherapist for approval by the Board or its designee within 30 days of such notification. The therapist shall 1) be a California-licensed psychologist with a clear and current license; 2) have no previous business, professional, personal or other relationship with respondent; 3) not be the same person as respondent's practice monitor. Frequency of psychotherapy shall be determined upon recommendation of the treating psychotherapist with approval by the Board or its designee; however, psychotherapy shall, at a minimum, consist of one one-hour session per week. Respondent shall continue psychotherapy until released by the approved psychologist and approved by the Board or its designee. The Board or its designee may order a re-evaluation upon receipt of the therapist's recommendation.

Respondent shall execute a release authorizing the therapist to provide to the Board any information the Board or its designee deems appropriate, including quarterly reports of respondent's therapeutic progress. Respondent shall furnish a copy of this Decision to the therapist. If the therapist believes the respondent cannot continue to independently render psychological services, with safety to the public, he/she shall notify the Board immediately.

Respondent shall pay all costs associated with the psychological evaluation and ongoing psychotherapy. Failure to pay costs will be considered a violation of the probation order.

5. Investigation/Enforcement Cost Recovery

Respondent shall pay to the Board its costs of investigation and enforcement in the amount of \$14,675.00 within the first year of probation. Such costs shall be payable to the Board of Psychology. Failure to pay such costs shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of the responsibility to repay investigation and enforcement costs.

6. Probation Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation. Such costs shall be payable to the Board of Psychology at the end of each fiscal year (July 1 - June 30). Failure to pay such costs shall be considered a violation of probation.

7. Quarterly Reports

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

8. Probation Compliance

Respondent shall comply with the Board's probation program and shall, upon reasonable notice, report to the assigned District Office of the Medical Board of California or other designated probation monitor. Respondent shall contact the assigned probation officer regarding any questions specific to the probation order. Respondent shall not have any unsolicited or unapproved contact with 1) complainants associated with the case; 2) Board members or members of its staff; or 3) persons serving the Board as expert evaluators.

9. Interview with Board or Its Designee

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

10. Changes of Employment

Respondent shall notify the Board in writing, through the assigned probation officer, of any and all changes of employment, location, and address within 30 days of such change.

11. Tolling for Out-of-State Practice, Residence or In-State Non-Practice

In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing psychology in California, respondent shall notify the Board or its designee in writing within ten days of the dates of departure and return or the dates

of non-practice within California. Non-practice is defined as any period of time exceeding thirty days in which respondent is not engaging in any activities defined in sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or permanent residency or practice outside California or of non-practice within California will not apply to the reduction of this probationary period, although the Board may allow respondent to complete certain terms of probation that are not associated with active practice.

12. Employment and Supervision of Trainees

If respondent is licensed as a psychologist, she shall not employ or supervise or apply to employ or supervise psychological assistants, interns or trainees during the course of this probation. Any such supervisorial relationship in existence on the effective date of this probation shall be terminated by respondent and/or the Board.

13. Future Registration or Licensure

If respondent is registered as a psychological assistant or registered psychologist and subsequently obtains other psychological assistant or registered psychologist registrations or becomes licensed as a psychologist during the course of this probationary order, respondent agrees that this Decision shall remain in full force and effect until the probationary period is successfully terminated. Future registrations or licensure shall not be approved, however, until respondent is currently in compliance with all of the terms and conditions of probation.

14. Violation of Probation

If respondent violates probation in any respect, the Board may, after giving respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final. No Petition for Modification or Termination of Probation shall be considered while there is an Accusation or Petition to Revoke Probation pending against respondent.

15. **Completion of Probation**

Upon successful completion of probation, respondent's license shall be fully restored.

DATED: 8/11/00

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation
against:

Ross, Deborah, Ph.D.

No. : W-140

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Deborah Ross, Ph.D.
19845 Skyline Boulevard
Los Gatos, CA 95030

7099 3220 0004 4594 8390


Brenda P. Reyes
Office of the Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

William F. Adams, Attorney at Law
One Annabel Lane, Ste. 205
San Ramon, CA 94583-4330

Ruth S. Astle, Administrative Law Judge
Office of Administrative Hearings
1515 Clay St., Ste. 206
Oakland, CA 94612

Each said envelope was then on, September 11, 2000, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, September 11, 2000, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst

B

BILL LOCKYER, Attorney General
of the State of California
VIVIEN HARA HERSH, State Bar No. 084589
Supervising Deputy Attorney General
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Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

DEBORAH ROSS, Ph.D.,
19845 Skyline Blvd.
Los Gatos, CA 95030

License No. PSY 8336

Case No: W140

OAH No. N1999070420

FIRST AMENDED ACCUSATION

THOMAS S. O'CONNOR, complainant herein, charges and alleges as follows:

1. He is the Executive Officer of the Board of Psychology, State of California hereinafter ("Board") and makes these charges and allegations solely in his official capacity.

LICENSE HISTORY

2. On January 16, 1984, respondent Deborah Ruth Ross (hereinafter "Dr. Ross" or "respondent") was issued License No. PSY 8336 by the Board authorizing her to practice psychology in the State of California. That license is currently in good standing and is

renewed to February 28, 2001. The Board has taken no prior disciplinary action against this license.

STATUTES

3. Section 2960 of the Business and Professions Code^{1/} states, in pertinent part, that the Board may suspend, revoke, or place on probation a licensee for unprofessional conduct which is defined to include, but not be limited to, any of the following causes:

(h) Willful, unauthorized communication of information received in professional confidence.

....

(j) Being grossly negligent in the practice of his or her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

.....

(n) The commission of any dishonest, corrupt, or fraudulent act.

....

(s) Repeated acts of negligence.

4. Business and Professions Code section 125.3 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before any board within the California Department of Consumer Affairs, the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5. Business and Professions Code section 2962.6 provides that "[a]n administrative disciplinary decision that imposes terms of probation may include, among other

1. Unless otherwise indicated, all statutory references are to the California Business and Professions Code.

1 things, a requirement that the licensee who is being placed on probation pay the monetary costs
2 associated with monitoring the probation."

3 **FACTS**

4 6. At all times relevant to the allegations in this document, Dr. Ross was
5 practicing as a psychologist in and about Los Gatos, California.

6 7. Respondent began treating patient J.B.^{2/} in October 1994. J.B. was already
7 in therapy with a licensed clinical social worker (who will be referred to here as her "primary
8 therapist"); she initially consulted respondent for assistance in managing chronic pain.
9 Respondent continued to treat J.B. at least through August 11, 1996.

10 8. During the course of the therapist/patient relationship, respondent interacted
11 with J.B. in a number of ways which were inappropriate to the nature of the relationship.
12 Among these were:

13 A. On two occasions in 1995 J.B. house sat for respondent while respondent
14 was away. During these periods, J.B. took care of respondent's animals.

15 B. On one occasion, J.B. picked up respondent at the airport when respondent
16 returned from an extended international trip and drove respondent home.

17 C. At respondent's request, J.B. shopped for make-up for respondent and
18 taught respondent how to apply make-up during a therapy session.

19 D. Respondent asked J.B. for wardrobe and hair styling advice during therapy
20 sessions.

21 E. Respondent discussed with J.B. problems she (respondent) was having with
22 an abusive relationship.

23 F. In February 1996, respondent and J.B. decided to attend a dance together.
24 In preparation for this event, respondent and J.B. went on two shopping expeditions. During
25 these expeditions, respondent purchased several dresses for herself. During the second
26

27 2. The patient's initials are used rather than her full name to protect her privacy insofar
28 as is possible. Her identity is known to respondent.

shopping trip, respondent and J.B. had lunch together in a shopping mall. Respondent cautioned J.B. to tell no one about these trips, not even her primary therapist.

G. On March 1, 1996, J.B. arranged for respondent to have her makeup done at Stacy's Beauty Salon in Cupertino at the same time that J.B. was having her hair done at the same salon. During this salon visit, respondent met and chatted with S.S., a friend of J.B.'s.

H. On March 1, 1996, respondent and J.B. attended a dance at the Silver Creek Country Club in San Jose sponsored by the Stanford Bachelors. On this occasion, respondent told J.B. that it was her responsibility to make up a lie to explain how they knew one another. At the dance, respondent met and conversed with the man J.B. was dating at the time.

I. After this dance, J.B. drove respondent home. Because the weather was bad, respondent suggested that J.B. spend the night at her house. J.B. agreed and did stay the night. The two stayed up most of the night talking. During the course of this conversation, respondent asked J.B. to buy her some marijuana. The next morning, respondent and J.B. went for a walk. During this walk, respondent told J.B. how close she felt to her, how special she was to her, and that she would always be part of respondent's life.

J. Respondent subsequently had a telephone conversation with the man J.B. was dating. During this conversation respondent discussed financial transactions with this man.

9. During the spring and summer of 1996, respondent began to talk extensively to J.B. about another client, "C.", whom respondent identified as a law student. Respondent discussed with J.B. issues C. was having with her mother and grandmother (mostly relating to money). On one occasion, respondent suggested to J.B. that she should be in the waiting room when C. left so that J.B. could see what she looked like. Respondent commented to J.B. that C. was very attractive and had "a great body." Respondent further informed J.B. that she had bought C. a dress and arranged for J.B. to loan C. some jewelry to wear with this dress.

10. During August 1996, J.B. revealed to her primary therapist that she had concerns about the nature of her relationship with respondent. On or about August 27, 1996, that therapist confronted respondent, who admitted she had used J.B. to house sit for her and had gone shopping with her in order to have J.B.'s help in selecting a wardrobe. Respondent

1 further stated that she believed she had been suffering from a manic reaction to Prozac during
2 the second shopping trip and agreed with the suggestion that she needed to be in
3 psychotherapy.

4 11. On or about January 7, 1997, J.B.'s primary therapist arranged a meeting
5 between himself, J.B., and respondent to discuss the issues raised by respondent's behavior.
6 Respondent was asked to bring her therapist to the meeting. Respondent, however, attended
7 the meeting with a friend, whom she identified as her "therapist." At this meeting, J.B. read a
8 9-page letter detailing most of the conduct summarized above. Respondent acknowledged that
9 all of the events J.B. mentioned in the letter had happened.

10 12. In a letter to J.B.'s primary therapist dated March 14, 1997 discussing this
11 meeting, respondent repeatedly referred to the friend who had attended the January 7 meeting
12 with her as "my therapist." In that letter, she further stated that "virtually all the incidents
13 cited by the patient are either misrepresentations of events that occurred or complete
14 fabrications."

15 13. Subsequent investigation by the Board of Psychology revealed that the
16 friend who attended the January 7 meeting with respondent is not licensed by any California
17 health-related agency and that she does not purport to be or ever to have been respondent's
18 therapist.

19 14. In response to a request for information from a Board investigator,
20 respondent wrote a letter dated March 28, 1998. In the letter she falsely stated that her first
21 session with J.B. occurred on May 15, 1995. In this letter she acknowledged a single brief
22 shopping trip with J.B. She further acknowledged that she had attended the dance with J.B.
23 and that, on the evening of the dance, she had invited J.B. to stay at her home overnight and
24 that she had gone for a walk with her the next morning. She falsely stated "[t]here were no
25 further 'outside the office' contacts." In this letter, respondent also described the person who
26 attended the January 7, 1997 meeting with her as "a friend," and stated that she was not in
27 therapy at the time.

28 ///

1 **FIRST CAUSE FOR DISCIPLINARY ACTION**

2 15. Dr. Ross's conduct in engaging in inappropriate multiple role relationships
3 with J.B. as set forth in paragraphs 6 through 9 above constituted gross negligence pursuant to
4 section 2960 (j) of the Business and Professions Code.

5 **SECOND CAUSE FOR DISCIPLINARY ACTION**

6 16. Dr. Ross's conduct in discussing the personal affairs of another client with
7 J.B. as set forth in paragraph 9 above, and in bringing a friend to the January 7, 1997 meeting
8 to discuss J.B.'s concerns about the nature of their relationship as set forth in paragraphs 11
9 through 14 above, constituted disclosure of information received in professional confidence
10 and a violation of Business and Professions Code section 2960(h).

11 **THIRD CAUSE FOR DISCIPLINARY ACTION**

12 17. Dr. Ross's conduct as alleged in paragraphs 6 through 9 above constituted
13 repeated acts of negligence pursuant to section 2960(s) of the Business and Professions Code.

14 **FOURTH CAUSE FOR DISCIPLINARY ACTION**

15 18. Dr. Ross's conduct in denying to the Board investigative staff that certain
16 incidents, including but not limited to the visit to the beauty salon, occurred, her written
17 characterization of J.B.'s account as a misrepresentation of what occurred or a complete
18 fabrication, and her written and oral misrepresentation of her friend as a therapist, as set forth
19 in paragraphs 11 through 14 above, constituted dishonesty pursuant to section 2960 (n) of the
20 Business and Professions Code.

21 WHEREFORE Complainant prays that the Psychology Board hold a hearing on
22 the matters alleged herein, and following the hearing, issue a decision:

23 1. Suspending or revoking License No. PSY 8336, issued to respondent
24 Deborah Ross, Ph.D.;

25 2. Directing respondent to pay to the Board a reasonable sum for the
26 investigative and enforcement costs of this action; and if respondent is placed on probation, the
27 costs of probation monitoring; and

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3. Taking such other and further action as the Board deems necessary and proper.

DATED: 11/14/00


THOMAS S. O'CONNOR, Executive Officer
Board of Psychology

Complainant

DECLARATION OF SERVICE

(Certified Mail)

Case Name: **In the Matter of the Accusation Against Deborah Ross, Ph.D.**

Board of Psychology Case No.: W140; OAH Case No. N1999070420

I declare:

I am employed in the County of San Francisco, California. I am 18 years of age or older and not a party to the within entitled cause; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102.

On January 14, 2000, I served the attached **First Amended Accusation** by placing true copy thereof in an envelope addressed as follows:

NAME/ADDRESS	CERTIFIED MAIL NUMBER
William F. Adams, Esq. William F. Adams Law Offices 1 Annabelle Lane, Suite 205 San Ramon, CA 94583-4330 Counsel for Respondent	P 419 952 109
Deborah Ross, Ph.D. 19845 Skyline Boulevard Los Gatos, CA 95030	P 149 952 110

that each said envelope was then sealed, certified and deposited in the United States Mail at San Francisco, California on January 14, 2000, as certified mail with postage thereon fully prepaid and return receipt requested; that there is regular communication and delivery service by United States Mail between the place of mailing and place so addressed.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 14, 2000, at San Francisco, California.

Cynthia Sheppard

Typed Name



Signature